

yeas and nays being taken, the amendment was laid on the table by the following vote :

YEAS—Messrs. Britton, Caldwell, Hyde, McCulloch, Maverick, Paschal, Pedigo, Pirkey, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton and Wigfall—16.

NAYS—Messrs. Burroughs, Erath, Fall, Graham, Guinn, Herbert, Lott, Martin, Russell, Taylor of Cass, Truitt and Walker—12.

The question recurring on the motion to lay the bill on the table, it was lost by the following vote :

YEAS—Messrs. Burroughs, Erath, Fall, Guinn, Herbert, Lott, Martin, Russell, Taylor of Cass, Truitt, Walker and Wren—12.

NAYS—Messrs. Britton, Caldwell, Hyde, McCulloch, Maverick, Paschal, Pedigo, Pirkey, Quinan, Scarborough, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton and Wigfall—16.

My. Guinn offered the following amendment :

“Provided, that no certificate shall issue to any colonist under the provisions of this act, until he or she shall prove by two good and responsible witnesses, that he or she emigrated and settled as a colonist, before February 15, 1847, and that he or she resided in said colony three years consecutively, and are now residents of said Colony, or the State of Texas, and that he or she has not received any land as colonists of Fisher & Miller's, or any Colony, or from the Republic or State of Texas.

Mr. Throckmorton moved the previous question.

Mr. Guinn moved a call of the Senate.

On motion of Mr. Burroughs, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, December 17th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present—Journal of yesterday was read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported a bill supplementary to and amendatory of an act to ascertain the legal claims for money and lands against the State, correctly engrossed.

Mr. Taylor of Houston, Chairman of the committee on Enrolled Bills, reported the following bills correctly Enrolled, properly signed, and this day presented to the Governor :

An act for the relief of Louisa Warren.

An act to repeal an act supplementary to an act for the relief of the citizens of Mercer's colony, passed February 2, 1850, approved August 30th, 1856.

An act for the relief of William Lee.

An act making an appropriation for the per diem pay and mileage of the members, and the per diem pay of the officers of the seventh Legislature.

An act authorizing the Clerk of the County Court of Johnson county to transcribe certain records therein named ; and,

An act for the relief of heirs of Jacob Becker.

Mr. Graham, one of the committee on the Judiciary, to whom was referred a bill to be entitled an act to amend the sixteenth Section of the act of February 5, 1841, entitled an act of limitation, reported the same back to the Senate and recommended its rejection.

Mr. Throckmorton, one of the committee on the Judiciary, made the following report. The committee on the Judiciary, have considered a bill to protect persons whose lands are subject to forfeiture. Your committee are of the opinion that there is an absolute necessity for the passage of the accompanying bill. Unfortunately many of our best citizens have purchased illegally issued certificates, as well as fraudulent bounty and donation warrants, and certificates issued to assignees upon forged transfers ; others have purchased lands surveyed by virtue of conditional certificates, which are forfeited, because of the non-return of the unconditional certificates. It will be apparent to every reflecting mind, that a majority of persons so situated, are honest and *bona fide* holders of lands ; because the dishonest holder, or the party obtaining such certificates, have, in almost every instance, disposed of them to unsuspecting parties ; without some such measure as is proposed many of the best citizens of the country will lose their homes and possessions without being apprized of their true condition. It will be observed, that the bill is most carefully guarded. It will not apply to lands located by virtue of such certificates hereafter, neither will it benefit the original grantees of illegally issued, forged, or conditional certificates or bounty warrants.

The extension of time, six months is all that is granted by the bill, and believing it is a sound and wise policy, that protects the citizen in his rights, the committee have instructed me to report the bill back to the Senate and recommend its passage.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the House :

A bill to be entitled an act for the relief of the Colorado Valley Railroad Company.

A bill to be entitled an act supplementary of an act making provisions for running and marking the boundary line between the State of Texas and the territory of the U. S., and

A bill to be entitled an act for the relief of the several School District, Trustees and Patrons.

Mr. Wigfall, Chairman of the committee on State Affairs, made the following report : Your committee on State Affairs to whom was referred the petition of the members of the Bar in Guadalupe county, asking for a special term of the District Court to be held in that county, in February next, for general purposes, and for an additional week to be allowed to the regular term of the Court for that county, have duly considered the same, and ask leave to report, that the committee are of the opinion that the reasons given by the petitioners for desiring a special term of the Court, are not sufficient to justify the Legislature in granting their request. That it is necessary to give them an additional week to their regular term of the Court, to enable them to get through the business, and have instructed me to report the accompanying bill and respectfully recommend its passage. A bill to be entitled an act defining the time of holding the Courts in the second Judicial District ; read first time.

Mr. Potter, Chairman of the committee on the Judiciary, made the following report : The committee on the Judiciary to whom was referred a bill to be entitled an act providing for the stay of executions on all judgments, have had the same under consideration, and instruct me to report, that in the opinion of your committee, the proposed legislation would be impolitic and unjust ; experience teaches us that where the remedy for the collection of debts is ample and speedy, habits of economy and thrift are encouraged ; that there is less extravagance, less profuse extension of credits, and the debtor is

taught to make provision in time to discharge those obligations which the law would speedily and surely enforce. And it is very certain that if a stay law could be of lasting benefit to a debtor, it is not possible to provide one without committing an equal injury upon the creditor ; we may be putting him in the very condition of distress, from which we propose to relieve the debtor. For these reasons, your committee unanimously recommend the indefinite postponement of the bill.

Mr. Potter, Chairman of the committee on the Judiciary, made the following report : The Judiciary committee have considered a bill to be entitled an act supplementary to and amendatory of an act entitled an act to adopt and establish a Penal Code for the State of Texas, approved 28th August, 1856, and a majority of the committee direct me to return the same to the Senate, with amendments and recommend the adoption of the amendments, and the passage of the bill. The object of the bill and amendments is to perfect the Penal Code, adopted by the last Legislature, and a majority of the committee believe that the Code should be properly amended and continued in force. This report is also intended to dispose of the resolution heretofore referred, directing the committee to enquire into the expediency of repealing the Penal Code, and said resolution is herewith returned to the Senate.

Mr. Burroughs, from the committee on Enrolled Bills, reported a bill to definitely define the northern boundary line of the Mississippi and Pacific Railroad Reserve, and a bill for the relief of Benj. F. Ellis, correctly enrolled, properly signed and this day presented to the Governor.

Mr. Guinn, Chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to which was referred a bill for the relief of Henry Stout, have considered the same, and a majority of the committee instruct me to report the same back to the Senate, and recommend its passage. The facts of the case are the same as in the case of Wm. Cravens, that is for corn and beef. The amount is sworn to by Stout and proven by two witnesses. The claim could not be audited because he had no voucher, and the same rests upon affidavits. The supplies were furnished in 1838 and 1840, some to the company commanded by Stout himself.

I dissent from the above on principle, and not from the fact that I doubt the justice of the claim, but the precedent of

allowing such claims to be proven up by affidavits, is, in my opinion, dangerous.

R. H. GUINN.

Mr. Paschal, Chairman of the committee on Internal Improvements, made the following report :

The committee on Internal Improvements have considered a bill to amend the Charter, and for the relief of the Houston Texas Central Railroad Company, and recommend its passage with the following amendments :

1st. Strike out "authorized," in line three, section one, and insert in lieu thereof, "permitted;" and add after "Kansas," in the last line of the same section, "with the consent of the political authorities of said territory."

2nd. In section two, after "locations," in line seven, insert, "made subsequent to the files or locations of said company;" and after "surveys" in 8th line, insert, "provided no certificate shall be raised which conflicts with a survey or title existing at the time said certificate was located or surveyed."

3rd. Amend section 3rd., by striking out all after the word "section," in line 7th, to the word "and," in line 9th, and by inserting in lieu thereof, "by the 30th day of July, 1859."

4th. Add an additional section as follows :

Sec. 4. That said company shall within twelve months from the passage of this act, definitely define the counties through which their road is to run, striking the Trinity river in the county of Dallas, and Red river within fifteen miles of the town of Preston ; and this act shall take effect and be in force from and after its passage.

Also strike out all after "granting" to "more," in the 3rd line from the bottom of the 3rd section.

Mr. Throckmorton, from the select committee, to whom was referred a bill making an appropriation for the payment of a portion of the Public Debt of the late Republic of Texas, made the following report :

This bill is intended to make up the deficit which the par creditors of Texas sustained in the late settlement of their debts, by the acceptance by Texas of the Congress act, which provided for the payment of the Public Debt of Texas. It includes those creditors of Texas whose claims were submitted to the auditorial board, and allowed by the board at par, or over 76 cents, but who, by the Congress act, were reduced to the necessity of taking seventy-six and four-tenths cents on the

dollar, or nothing. It is worthy of notice that the great opposition made to the Congress act at the last session of the Legislature, was because of the great injustice done by that act to this the par class of creditors ; and because, whilst it thus reduced the honest par creditor, it increased in many cases the amount which was paid to others, and perhaps the least worthy creditors in some cases twice, and in others three times the amount at which their claims had been scaled by the auditorial board, thus making a wide departure from the scaling system adopted by Texas, working a gross injury to the par creditor, and doubly and trebly paying those who never justly claimed more than the amount at which their claims have been scaled. Again, it should be remembered, that at the last session of the Legislature, after the passage of the Public Debt Bill with great unanimity, the Legislature passed a bill making provisions for the payment at par of that portion of the debt designated in "Document C." which had been scaled by the auditorial board at 70 cents. As many of the other creditors had been paid so much more than was their just due, it was deemed an act of sheer justice that the creditors designated in "Document C." should be paid at par. This action of the Legislature was regarded by the people in every part of the State, as eminently just and proper. This being the fact, it is demanded by every consideration of justice and honesty, that the par creditors should be paid the difference between the 76 cents which they received, and 100 cents which we always acknowledged was due them ; and should Texas refuse to do so when she has such a profusion of means in her possession, with which to discharge so sacred an obligation, it will justly brand her hitherto proud escutcheon with the grossest ingratitude, ignominy and shame, besides being the basest repudiation of honest and just liabilities, incurred during our struggle for freedom, the advancement of which means sustained the patriot heroes of the country, during the darkest hours of the revolution. If the Legislature refuses to pay so just and sacred a debt, it will cause the brow of every honest Texan to mantle with shame, and the heart of every patriot to throb with mournful sorrow at such wretched meanness and degradation. The majority of the committee concurring in this report, would beg to be understood, as not charging anything improper or uncourteous upon any gentleman who may oppose this measure, but in our humble judgment, such is the light in which a refusal to pay this debt would be viewed

by an enlightened, patriotic and honest constituency. In view of all the facts, the majority of the committee deem it just and proper, that provisions be made for the payment of the debt; and there not being a sufficiency of means in the Treasury with which to do so, the undersigned has been instructed to report the accompanying bill, as a substitute for the original bill, which substitute provides for the payment of the debt in land script at \$1,00 per acre, with the recommendation of the passage of the same.

Mr. Martin, Chairman of the committee on Private Land Claims, to which was referred a bill for the relief of Samuel Raymond, reported the same back to the Senate and recommended that it be referred to the joint committee on the Court of Claims; also the petition and vouchers of Robert McKurry, and recommended that they be referred to the joint committee on the Court of Claims; also the petition and vouchers of Reuben Beebee, and recommended that they be referred to the joint committee on the Court of Claims; also a bill to be entitled an act for the relief of the heirs of Jessee Boykin, and recommended its passage; also the House bill for the relief of Joseph Baker, and recommended its passage; and also a bill to be entitled an act for the relief of Martin Winne, and recommended its passage.

Mr. Guinn, Chairman of the committee on Claims and Accounts, made the following report: The committee on Claims and Accounts, to whom was referred the petition of William Cravens, have considered the same, and they have instructed me to report the accompanying bill and recommend its passage. The petitioner prays for pay for 80 or 100 bushels of corn used by the troops, camped close to his house, and that they turned some thirty or forty head of horses in his field, and they consumed or destroyed some 80 or 100 bushels for him. He states that the commanding Officer told him that the Government would pay him for the corn. He proved by two witnesses that the troops used the above amount of corn, and that corn was worth from \$2 to \$2 50 per bushel. The claim could not be audited from the fact that he did not hold the Officers receipt, but the claim being proven up by affidavits, the Legislature is the only body to grant the relief. All of which is respectfully submitted.

I dissent from the principle of granting relief in the above case.

R. H. GUINN.

A bill to be entitled an act for the relief of Wm. Cravens, read first time.

Mr. McCulloch, Chairman of the committee on Counties and County Boundaries, made the following report :

The committee on Counties and County Boundaries to whom was referred a House bill to change the name of Taylorville, have had the same under consideration and ask leave to report :

From the statement of the Representative from the county of Wise, we learn that the people of the territory composing that county, petitioned the Legislature to create the county and name the county seat ; at the same time they petitioned the General Government for a Post Office to be established at the county seat, and that their petition for the Post Office was granted, naming the Post Office Decatur, and that the Legislature named the county seat Taylorville, contrary to the expectation of the petitioners causing a difference between the name of the Post Office and county seat at which it is situated, which is objectionable to them ; therefore, the committee have instructed me to report the bill back to the Senate and respectfully recommend its passage.

Mr. Wigfall, Chairman of the committee on State Affairs, to which was referred a bill for the relief of counties hereinafter named, reported a substitute for the bill, and recommended the adoption of the substitute and the passage of the bill.

Mr. Shepard, one of the committee on State Affairs, to which was referred a bill entitled an act supplemental to an act to incorporate the Texas Iron, Steel and Copper manufacturing mining and trading Company, passed September 1st, 1856, reported the same back to the Senate and recommended its passage.

Mr. Paschal, on the committee Judiciary, made the following report :

The committee have had under consideration a bill to be entitled an act for the relief of the creditors and colonists of the German Emigration Company, and to indemnify said Company for lands given by the State to the Colonists, I am instructed to report the accompanying bill and recommend its passage. I would respectfully refer to the able report of the Judiciary committee made at the last session of the Legislature, for the passage of the bill, and adopt the same as part of this report. All of which is respectfully submitted.

To the Hon. President of the Senate :

The committee on the Judiciary to whom has been referred the bill for the relief of the Texan creditors of the German Emigration Company, and to quiet the titles to lands of the colonists, have examined the subject and the evidence produced to them, and they have instructed me to report as follows :

That by the authority of the act of the 4th of February, 1841, (Hartley, Art. 2008) entitled " An act granting lands to emigrants" which act was made general on the 5th day of February 1842, (Art. 2087,) the President of the Republic of Texas, on the first day of September 1843 entered into a contract with Henry F. Fisher, and Burchard Miller, embodying the principles of said act and authorizing the said contractors and their associates to introduce foreign colonists into said colony, not less than six hundred nor more than six thousand families ; that the contractors and colonists were released from the onerous conditions of cultivation and building of log cabins ; by the act of the 29th day of January, 1845, and by the law of the 20th day of March, 1848, the benefits of the act and grant are extended to every colonist introduced into Texas by the German Emigration Company, (Hartley's Dig. Art. 2139, 2141, 2206, 2217, 2245.)

From the evidence before your committee and the statement of one of the Senators then resident at Indianola, there is no doubt but that the contractors introduced several thousand souls during the years 1845 and 1846. The precise number of inhabitants or heads of families introduced cannot be precisely known, as many are shown to have died of contagion soon after their first landing. From a certificate however of the Commissioner of the General Land Office, it appears that the Commissioners appointed to issue certificates to emigrants under the several acts of the Legislature, have issued certificates to the amount of one million seven hundred and thirty-five thousand two hundred acres (1,735,200 acres,) being equal to two thousand seven hundred and one families (2,701 families.) This about corresponds with the statements of the contractors, that they introduced a population of from ten to twelve thousand souls.

It must be acknowledged that the great interest that Texas had in the enterprise was the increase of the population, the planting of inhabitants where before there were none and the survey and sectionizing a country for the use of the enterprise, reserving to the government the alternate sections. All these

objects were accomplished. A hardy and industrious population was introduced—the country was surveyed and wealth and industry were carried into the wilderness.

The expense of such an enterprise is known to have been enormous, the surveys alone having been shown to have cost eighty thousand dollars.

Fisher and Miller are shown to have assigned the principal interest in their contract to the German Emigration Company, who are recognized as such throughout the series of Legislation referred to.

The first question presented to the Legislature is, what are the contractors and their assignees entitled to receive from the State for these services. The solution of this question is plain and simple. By the contract they were entitled to ten sections of land for each hundred families introduced, or in other words they were entitled to two hundred and seventy sections of premium land, equal to one hundred and seventy-two thousand eight hundred acres (172,800 acres,) with the privilege of locating these sections upon the reserved alternate sections.—The premium lands have been obtained, but the privilege of locating them upon the choice alternate sections was lost—the preference given to the colonists.

In the second place, the contractors were entitled to contract with the emigrants for one half of the quantity to which the emigrants were entitled, by virtue of the law and contracts.—And by the contract it was specially provided that the letters from the government for such portion (not exceeding one-half) should issue direct to the Empresario, so as to protect them in any such agreements with the emigrants. By a report of the Commissioner of the General Land Office, sent to your committee on the 10th inst., it appears that two thousand four hundred and sixty-four agreements made with the German Emigration Company, by emigrants introduced into Texas under the colonization contract of Fisher and Miller, 1500 with heads of families and the residue with single men, are on file in the General Land Office. It is reasonable to suppose that the remaining 237 families emigrated under the like agreement. Indeed it is a matter of history that the colonists of this and all the other enterprises authorized by the Republic of Texas, emigrated with the understanding that the colonists were to receive one half the land and the Empresarios the remaining half. The company therefore would be entitled to receive from the colonists lands, equal to eight

hundred and sixty seven thousand six hundred acres (867,600 acres.)

The Legislature seems not to have been wholly unmindful of this right, however it may have failed to secure it. For by the 11th section of the act of the 21st January, 1850, it is declared "that the citizens of Texas—creditors of said company, shall have a lien in the nature of a mortgage, upon the premium lands and the lands obtained by contract from individual colonists, and the State, acquired in accordance with the act by conforming to the following requisites. The substance of the requisites are to sue and obtain judgments in the District Court of Bexar county.—(Hartley, art. 2255.)

And by the third section of the act of the 11th February 1850, it is provided, that patents shall issue directly to the German emigration company, for the portion of land to which they are entitled under the law, by contract with the emigrants upon the presentation of the contract with the emigrants at the General Land Office, and the land so issued to the company shall be subject to the same law in favor of the creditors as the other lands are subject to, which are acquired by virtue of the act to which this is a supplement."

To understand the tender solicitude of the Legislature of the citizens of Texas, who were creditors of the German emigration company, it must be borne in mind that the company in transporting the emigrants from Galveston, Houston, and Indianola, to New Braunfels, and the colony, in subsisting them the first year, in surveying the county and supporting the enterprise, large debts had been incurred, for which negotiable drafts had issued, and fallen into the hands of the citizens of Texas. Under the provisions of the eleventh section of the act of 1850 many of these debts have been sued to judgment; and your committee is assured by the collecting attorneys of the creditors and others, that these debts in the aggregate fall a little short, principal interest and costs of three hundred thousand dollars (\$300,000,) by a contract between the German emigration company and the creditors, five-sixths of the entire claim of the contractors upon the Government for lands have been assigned to the creditors, leaving the company only one-sixth of the claim for the enormous expense necessarily paid in carrying on the enterprise.

It therefore becomes a question of great materiality as to whether or not the State has done anything by hasty and unadvised legislation to impair the rights of the contractors and

and the legislative lien in favor of the creditors upon those rights. It seems to your committee that those rights have been greatly impaired, and in fact, so complicated and jeopardized as to render the equity of the contractors and creditors almost valueless.

And first by the act of 1848, in favor of the colonists the certificates were issued to the colonists for 640 acres of land to the heads of families, and 320 acres to single men, (Hartley, art 2206,) the holders of these certificates had the right to designate any of the surveyed lands within the colony, irrespective of the rights of the Company, (art. 2208,) a report of the Commissioner of the General Land Office, of the 4th inst. advises your committee that W. F. Evans, the commissioner appointed under this act, issued eight hundred and fifty, (850,) certificates of 640 acres each to heads of families, and five hundred and fifty-nine, (559), of 320 acres each to single men.

These were legislative grants, prior in date to the act of 1850, which attempted to create a lien in favor of creditors; many of these certificates have been transferred to innocent purchasers, and they now claim the entire quantity of land.

If this act be susceptible of the construction that these certificates are legislative grants to the full amount, it results as a consequence that the State has *pro tanto* given to the colonists which of right belonged to both colonists and contractors and the injustice of thus favoring those who acquired their certificates under the act of 1848, while those who subsequently acquired their certificates find them encumbered with the rights of the company and creditors, will be apparent to every one.

Again, the act of the first of February, 1854, provides that the patents in all cases shall issue to the colonists or their assignees, irrespective of the rights of the contractors and creditors, and the evidences on file in the General Land Office.—*Statutes of Texas, Vol 5, Chapter—Page—*.

Under the faith of these several acts, and what these certificates import upon their face, many of the colonists and their assignees have taken possession of the lands selected and surveyed under them. Some of these lands we are advised have been patented—but the further issuance of patents have been arrested by an injunction suit, in behalf of the contractors, against the Commissioner of the General Land Office. This suit we are informed, is still pending in the District Court of Travis county. The effect of a suit to determine the rights of

2,700 parties, or of 2,700 suits to try these rights, will be readily comprehended by every one the least experienced in litigation. It would arrest the tide of immigration, retard improvement and diminish the value of the country, and the amount of revenue for many years. It would delay a large number of our citizens in the collection of debts contracted upon the faith of the rights of the contractors—debts already withheld now over seven years. It would give the appearance of bad faith both to the contractors and the holders of certificates. It would make an invidious discrimination between these colonists, and the colonists of Mercer and Peters' colony, to all of whom has been secured the full quantum of land to which the colonists and contractors were entitled, and the latter contractors were provided for in a law which relieved the colonists, and gave peace and quiet to a choice portion of the State.

The quantity of land proposed to be given is no more than what is equitably due, and the result will enure to the benefit of citizens of Texas, now occupying antagonistic relations through the hasty legislation of those to whom all look for justice.

The certificates proposed to be issued are only of the value of floating certificates, and therefore actually of less value than the judgment debts.

The majority of the committee have therefore instructed me to report a substitute for the bill, and recommend its passage.

E. A. PALMER,

One of the Committee.

Mr. Paschal, Chairman of the committee on Internal Improvements, to which was referred a bill to be entitled an act to amend the 4th Section of an act to provide for the investment of the Special School Fund, reported the same back to the Senate and recommended its passage.

On motion of Mr. Guinn, Mr. Erath was added to the committee on Public Lands.

On motion of Mr. Shepard, a bill to amend an act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed Sept. 1st, 1856, was taken up and ordered to be engrossed; rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Fall, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pedito, Potter, Russell, Shepard, Stockdale, Taylor of Cass,

Taylor of Houston, Throckmorton, Truitt, Walker, Wigfall and Wren—23.

NAYS—None.

On motion of Mr. Russell, the resolution adopted by the House, to raise a joint committee to take into consideration our present law relating to taxes upon real estate, was taken up, read and concurred in by the Senate.

Messrs. Russell, Erath, and Taylor of Houston, were appointed the committee on the part of the Senate.

Mr. Paschal offered the following resolution :

Resolved, That the committee on Public Lands be instructed to draft and report a bill to define the boundary line between Bexar and Milam land districts. Adopted.

Mr. Paschal introduced a bill to authorize a certain criminal case to be tried in the county of Uvalde ; read first and second times, and referred to the committee on the Judiciary.

And a bill to provide for binding certain record books in the surveyor's office of Bexar district, and to provide maps for the counties taken from said district ; read first and second times and referred to the committee on Public Lands.

And a bill to require all re-surveys or subdivisions of land to be made by a legal surveyor, and to be recorded in the district surveyor's office ; read first and second times and referred to the committee on Public Lands.

And a bill declaring the proof required for surveying and passing up the field notes on 1st and 2d class head-right certificates ; read first and second times and referred to the committee on the Judiciary.

Mr. Pedigo introduced a bill donating to actual settlers on vacant public domain 160 acres of land ; read first and second times and referred to the committee on Public Lands.

Mr. Russell introduced a bill to provide a method for determining what lands have been forfeited ; read first and second times and referred to the committee on the Judiciary.

Mr. Throckmorton introduced a bill to amend the 1st section of an act to create the county of Palo Pinto ; read first and second times and referred to the committee on Counties and County Boundaries.

And a bill to amend the 1st section of an act to create the county of Jack ; read first and second times and referred to the committee on Counties and County Boundaries.

Mr. Potter, Chairman of the committee on the Judiciary, made the following reports :

The committee on the Judiciary, to whom was referred a bill for the relief of the heirs of Buford Garrett, have had the same under consideration, and instruct me to report the same back to the Senate, with an amendment, and recommend the adoption of the amendment and the passage of the bill.

Amend 1st section by adding—"Provided, however, that said certificate shall not issue until satisfactory evidence is produced to said Commissioner that neither the said Garrett, his heirs or assigns, have heretofore obtained a head-right certificate, or lands under this Government, or the Government of the late Republic of Texas."

The Judiciary committee have considered a bill to be entitled an act providing for the collection of interest on open accounts. Parties may now contract for interest on all accounts; and when proof of such contract is made, the courts will enforce the payment of the interest as a part of the debt. Such is the law as now well established by the decisions of the Supreme Court of the State; and the majority of the committee are of opinion that further legislation on the subject is unnecessary. I am, therefore, directed to return the bill to the Senate, and recommend its rejection.

The Judiciary committee have considered a bill to be entitled an act defining the time of holding the District Courts in the twelfth Judicial District, and believing the provisions of the bill to be in accordance with the wishes of the people to be affected by it, the committee direct me to report the same back to the Senate and recommend its passage.

The committee on the Judiciary, to whom was referred a bill to be entitled an act attaching the county of Hidalgo to the county of Cameron, for Judicial purposes, have had the same under consideration, and have instructed me to report the same back to the Senate, with amendments, and recommend the adoption of the amendments and the passage of the bill.

Amend the caption so that it will read:

"An act to extend the jurisdiction of the District Court of the county of Cameron over the county of Hidalgo."

Amend the first section so that it will read:

"That the District Court of the county of Cameron shall have and exercise jurisdiction over the county of Hidalgo, under the limitations herein contained."

The Judiciary committee have considered a House bill to be entitled an act to release William Wallace Gordon from

minority, and direct me to report a substitute therefor, and recommend the adoption of the substitute and the passage of the bill. The adoption of the substitute will satisfy the prayer of the petition of Claiborne Varner, the guardian of Drury C. McGee, which petition is herewith returned to the Senate.

On motion of Mr. Scarborough, the rule was suspended, and a bill defining the time of holding the District Courts in the twelfth Judicial District, was read and ordered to be engrossed ; rule further suspended, bill read a third time and passed.

A bill to attach the county of Hidalgo to the county of Cameron, for certain Judicial purposes, with the report of the committee on the Judiciary, offering amendments thereto, was, on motion of Mr. Scarborough, taken up, read, and the amendments offered by the committee adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Scarborough, the rule was suspended, bill read a third time and passed.

ORDERS OF THE DAY.

A bill to amend an act entitled an act to perfect land titles in Castro's colony, approved Jan. 22, 1850, which was under consideration yesterday when the Senate adjourned, with the amendment proposed by Mr. Guinn, was read.

On motion of Mr. Guinn, a call of the Senate was ordered.

Absent—Messrs. Britton, Lott, Pedigo, Quinan, Scarborough, Shepard, Taylor of Cass, and Throckmorton.

On motion of Mr. McCulloch, a bill to authorize the sale and settlement of the alternate sections of land reserved to the State in Fisher's and Miller's colony, and to repeal the 10th section of an act to secure to the German Emigration Company and their colonists the lands to which they are entitled, and to adjust the liabilities of said Company, approved Jan. 21st, 1850, was taken from the table, read, and on motion of Mr. Taylor of Cass, was again laid upon the table.

The Senate being full, with the exception of Mr. Lott, on motion of Mr. Taylor of Fannin he was excused—Mr. Taylor of Fannin pairing off with him on the vote upon the engrossment of the bill.

Mr. Quinan offered the following as a substitute for the amendment under consideration, proposed by Mr. Guinn :

Amend by adding, as an additional section, to come in before the last section—

“That when the commissioner has issued certificates to the number of colonists for which Castro has received his premium lands as empresario, then his office shall cease.” Adopted.

Mr. Walker offered the following as an amendment to the amendment :

“Provided that no one shall be regarded as a colonist, nor be entitled to a certificate as such, who was not a bona fide settler in said colony prior to Feb. 15th, 1847.”

On motion of Mr. Paschal, laid on the table by the following vote :

YEAS—Messrs. Britton, Caldwell, Graham, Hyde, McCulloch, Maverick, Paschal, Pedigo, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor of Fannin, Taylor of Houston, Throckmorton and Wigfall—18.

NAYS—Messrs. Burroughs, Erath, Fall, Grimes, Guinn, Herbert, Martin, Russell, Taylor of Cass, Truitt, Walker, and Wren—13.

The amendment offered by Mr. Quinan was then adopted.

Mr. Paschal moved the previous question ; carried by the following vote :

YEAS—Messrs. Britton, Caldwell, Grimes, Hyde, McCulloch, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Cass, Taylor of Houston, Throckmorton, and Wigfall—17.

NAYS—Messrs. Burroughs, Erath, Fall, Graham, Guinn, Herbert, Martin, Pirkey, Russell, Truitt, Walker and Wren—12.

The bill was then ordered to be engrossed by the following vote :

YEAS—Messrs. Britton, Caldwell, Hyde, McCulloch, Maverick, Paschal, Pedigo, Pirkey, Potter, Quinan, Scarborough, Shepard, Stockdale, Taylor of Houston, Throckmorton and Wigfall—16.

NAYS—Messrs. Burroughs, Erath, Fall, Graham, Grimes, Guinn, Herbert, Martin, Russell, Taylor of Cass, Truitt, Walker and Wren—13.

On motion of Mr. Potter, a bill supplemental to and amendatory of an act to ascertain legal claims for money and lands against the State, passed Aug. 1st, 1856, was taken up and read a third time.

On motion of Mr. Potter, section 2d was amended by inserting, after the word "certificates," in line seven, second page, the following : "certificates issued under the provisions of an act to open and establish a national road, passed Feb. 5th, 1844."

The bill was then passed.

A message was received from the Governor, transmitting the following communication :

To the Honorable Senate of the State of Texas :

I have the honor to transmit, herewith, a communication from the Comptroller of Public Accounts, containing the information asked for in a resolution of your Honorable Body, passed on the 9th inst.

E. M. PEASE.

COMPTROLLER'S OFFICE, }
AUSTIN, Dec. 16, 1857. }

To His Excellency,

E. M. PEASE,

Governor of the State of Texas:

SIR:—In compliance with a resolution of the Senate of the 9th inst., I herewith enclose a statement exhibiting the names of such Assessors and Collectors as are in default, and the amount for which they are delinquent, from the organization of the State Government up to the year 1855, inclusive ; also, the condition of the suits pending against said officers, so far as it is in the power of this office to do from the reports made by the District Attorneys.

From many of the districts no reports have been made ; they are so meager that but little information is furnished of the actual condition of the suits pending. I append to the enclosed statement a copy of a circular addressed to the District Attorneys, calling their attention to the requirements of the law on this subject. Some legislation, requiring those officers to be more punctual in communicating the condition of suits for the recovery of money due the State, is necessary. I would suggest that the District Clerks of the several counties be also required to report, at the termination of each session of the Courts, to this office, the condition of all suits instituted for the recovery of money due the State from defaulting officers in the respective counties. Such a report, in connection with a similar one from the District Attorneys,

would keep this office fully advised of the condition of all such prosecutions, besides being a check one upon the other.

I have the honor to be,

Yours, very respectfully,

JAMES B. SHAW,

Comptroller.

On motion of Mr. Taylor of Fannin, the communication was referred to the committee on Finance

On motion of Mr. Taylor of Cass, the Senate adjourned until to-morrow morning, at 10 o'clock.

FRIDAY, Dec. 18, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Potter presented the petition of Dr. W. Richardson. Referred to the committee on Public Debt.

Mr. Taylor, of Houston, Chairman of the committee on Enrolled Bills, reported a bill for the relief of Luciano Navarro—correctly enrolled, properly signed, and on yesterday submitted to the Governor.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported,

A bill supplemental to an act to perfect land titles in Castro's Colony, approved January 22d, 1850.

A bill supplemental to an act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed September 1st, 1856 ; and

A bill for the relief of Lent M. Hitchcock—correctly engrossed.

Mr. Potter, Chairman of the Judiciary committee, made the following report :

The Judiciary committee have considered a bill to provide for the incorporation of colleges, universities, academies, seminaries, religious and other societies. The object of the bill is to provide for the creation of private corporations by general law. The committee would be glad to believe such legislation would be constitutional, as it would relieve the Legislature from the continued calls made upon its time for the creation of such corporations, and would be a great saving of expense in legislation. But the 1st clause of the 31st section